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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,858

01/05/2004

Toshiaki Tsuda

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EXAMINER

RAABE, CHRISTOPHER M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/750,858	Applicant(s) TSUDA ET AL.	
	Examiner Christopher M. Raabe	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,12-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,12-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/21/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's submission, filed December 26, 2007 has been entered and acknowledged by the examiner.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Applicant's arguments filed December 26, 2007 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5 Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokuichi et al. (JP 2001-076677 – of record) in view of Tsuda et al. (USPN 2002/0130601) and Gaugel et al. (USPN 4794297).

With regard to claims 1, 15 and 16,

Tokuichi et al. disclose in at least figure 1, 3 and paragraphs 7, 11, 12 and 14, a discharge bulb comprising: a ceramic, straight, and cylindrical light emitting tube (2), said light emitting tube (2) having sealed end portions (6) to form an enclosed space (inside of 2) therein, and electrodes (5) opposingly disposed in said light emitting tube (2) where said enclosed space (inside of 2) is filled with a light emitting substance (photogene) and a starting rare gas (halogenated substance); and a strip shaped first light blocking portion (10) disposed at a first portion of said light emitting tube (2) that corresponds to at least a rear one of the sealed end portions (6) of the light emitting tube (2) wherein the light blocking portion (10) extends, in a circumferential direction, over at least a range from an upper side to both lateral sides of the light emitting tube (2), wherein the first light blocking portion (10) having a width, in an axial direction of the light emitting tube, at least corresponding to a width, in the axial direction, of the rear sealed end portion (6) of the light emitting tube (2) said width of said second light blocking portion (10) being no more than a distance between a distal end of the front one of the sealed end portions (6) and a tip end of an adjacent one of said electrodes (5).

Tokuichi et al. do not disclose the first light blocking portion being provided as a part of the ceramic light emitting tube or provided radially outside of the ceramic light emitting tube, nor the arc tube fixedly forwardly elongating from an insulating base positioned behind said arc tube.

Gaugel et al. do disclose in at least column 1, lines 35-45 a light blocking portion being provided radially outside of the ceramic light emitting tube, providing a more versatile, easily applied light blocking portion.

Tsuda et al. do disclose in at least figure 1 and paragraphs 94 and 96, a discharge bulb including an arc tube (20) fixedly forwardly elongating from an insulating base (30) positioned behind said arc tube (20). Tsuda et al. further disclose that the arc tube lamp is an ultraviolet ray blocking shroud glass, and that the insulating base (30) can be connected to a power supply.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the configurations of Gaugel et al. and Tsuda et al. into the bulb of Tokuichi et al. in order to have a more versatile, easily applied light blocking portion and an ultraviolet ray blocking glass shroud and a base that can be connected to a power supply.

With regard to claims 8 and 20,

Tokuichi et al. disclose in at least figures 1,3 and paragraphs 11,12 and 14, a discharge bulb comprising: a ceramic, straight and cylindrical light emitting tube (2), said light emitting tube (2) having sealed end portions (6), to form an enclosed space (inside of 2) therein; and electrodes (5) opposingly disposed in said light emitting tube (2) where said enclosed space (inside of 2) is filled with a light emitting substance (photogene) and a starting rare gas (halogenated substance) and a strip-shaped first light blocking portion (10) disposed at a first portion of said light emitting tube (2) that corresponds to at least a rear one of the sealed end portions (6) of the light emitting tube (2) wherein the first light blocking portion (10) extends in a circumferential direction, over at least a range from an upper side to both lateral sides of the light emitting tube (2).

Tokuichi et al. do not disclose the first light blocking portion to be provided radially outside of an ultraviolet ray blocking glass shroud, nor the arc tube fixedly forwardly elongating from an insulating base positioned behind said arc tube.

Tsuda et al. do disclose in at least figure 1 and paragraphs 94,96,97, a discharge bulb with an arc tube (11) fixedly forwardly elongating from an insulating base (30) positioned behind said arc tube (11), and an ultraviolet ray blocking shroud (20) surrounding the light emitting tube (11), blocking harmful rays, and enabling the bulb to be connected to a power supply.

Gaugel et al. do disclose in at least column 1, lines 35-45 a light blocking layer (18) being provided radially outside of an outer shroud (17), providing a more versatile, easily applied light blocking portion.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the configurations of Gaugel et al. and Tsuda et al. into the bulb of Tokuichi et al. in order to have a more versatile, easily applied light blocking portion, protect from harmful rays, and have a base connected to a power supply.

With regard to claims 2,9,17,

Tokuichi et al. further disclose a second light blocking portion (10 of opposing 6) disclosed at a second portion of the light emitting tube (2) that corresponds to a front one of the sealed end portions (opposing 6) of the light emitting tube (2), where the second light blocking portion (10 of opposing 6) extends, in a circumferential direction over at least a range from a lower side to both lateral sides of the light emitting tube (2), wherein the second light blocking portion (10 of opposing 6) having a width, in an axial direction of the light emitting tube, at least corresponding to a width, in the axial direction, of the front sealed end portion (6) of the light emitting tube (2) said width of said second light blocking portion (10 of opposing 6) being no

more than a distance between a distal end of the front one of the sealed end portions (opposing 6) and a tip end of an adjacent one of said electrodes (5).

While Tokuichi et al. do not disclose the light blocking portions to be provided radially outside the light emitting tube/ultraviolet ray blocking shroud, the obviousness of these limitations in view of Gaugel et al. was addressed in the above rejections.

With regard to claims 5,6,12,13,

Tokuichi et al. further disclose the first light blocking portion (10) extends in the circumferential direction on both the lateral sides of the light emitting tube (2) to positions that horizontally coincide in level with a lowermost and uppermost position of the rear end sealed portion (6) of the light emitting tube (2).

With regard to claims 7,14,and 19,

Tokuichi et al. further disclose that the first light blocking portion (10) is disposed in the circumferential direction over a whole circumference of the light emitting tube (2).

Response to Arguments

6. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR



PETER MACCHIAROLO
PATENT EXAMINER